



03-29-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. AM100081 01)

<i>In re</i> Application of:)	Appln. No.: 09/659,643
)	Confirmation No.: 6975
JAMES J. GIBBONS JR. <i>et al.</i>)	Customer No.: 25291
)	Group Art Unit: 1614
Filed: 09/12/2000)	Examiner: Dwayne C. Jones
)	
For: METHOD OF POTENTIATING)	
CHEMOTHERAPY AND TREATING)	Paper No.: 18
SOLID TUMORS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

Responsive to the non-final Office communication mailed November 26, 2004 in the above-referenced patent application, please consider the below remarks in a favorable light.

REMARKS

Reconsideration of this application, in view of the present response, is respectfully requested.

The Examiner rejects Claims 1, 3 and 5-7 under 35 U.S.C. § 112, first paragraph, stating the basis for the rejection on pages 6-12 of the Office action. Applicants respectfully traverse the rejection for the following reasons.

With all due respect, there are two critical flaws in the Examiner's grounds for rejecting the claimed invention for lack of enablement. The first deficiency resides in the type of cases in which the Examiner finds support for a stance of unpredictability and undue breadth of the present claims, and a real difference between the fact patterns of those cases and the instant facts. The second deficiency is an apparent misinterpretation of the physiological data in the specification and the biological function of the cytokine inducer compounds of formula I in combination with a chemotherapeutic agent to treat solid tumors.

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